



IN REPLY REFER TO

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS

Washington Regulatory Field Office
Post Office Box 1000
Washington, North Carolina 27889-1000

August 5, 2010

Regulatory Division

Action ID No. SAW-2006-40282

Mr. David Bernhart, Assistant Regional Administrator
National Marine Fisheries Service, Protected Species Division
Southeast Regional Office
263 13th Avenue South
St. Petersburg, Florida 33701-5505

Dear Mr. Bernhart:

This correspondence confirms the August 4, 2010, telephone conversation between Mr. Raleigh Bland of my Washington Regulatory Field Office, and Mr. Eric Hawk of your staff, regarding the Town of Nags Head's application for Department of the Army authorization to excavate 4.6 million cubic yards of beach-quality sediment from an offshore borrow source, and deposit the material along approximately 10 miles of ocean shoreline, within the area designated for a similar approved Federal project, in Nags Head, Dare County, North Carolina. The purpose of this correspondence is to notify your office of Nags Head's proposed utilization of the 1997 South Atlantic Regional Biological Opinion (SARBO) for dredging activities located in the Southeastern United States from North Carolina through Cape Canaveral, Florida.

As discussed with Mr. Hawk, in the absence of congressional approval and funding authorizing the Wilmington District to complete this project, Nags Head proposes to undertake its own beach nourishment project within the boundaries of the authorized Federal project. The Town proposes to utilize a portion of the approved borrow area that was evaluated in the previous Environmental Impact Statement entitled *Final Feasibility Report and Environmental Impact Statement on Hurricane Protection and Beach Erosion Control*, dated September 2000. The Final Environmental Impact Statement for this project, dated May 2010, has been provided to your agency, and is available at <http://www.saw.usace.army.mil/Wetlands/Projects/NagsHead/index.html>. Currently, the Regulatory Division is in the process of preparing the Record of Decision for Nags Head's work and wanted to ensure that your office was informed of our action, especially since there is a possibility that hopper dredging may occur during warm weather months.

Through coordination with the U.S. Fish and Wildlife Service's Habitat Conservation Office in Raleigh, North Carolina, we have determined that the project may affect the loggerhead, green, and leather back sea turtles. The Service issued a Biological Opinion with an incidental take statement, and a number of reasonable and prudent measures to be implemented if

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